

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	No. 16-03096-CR-S-BP
	)	
FRANK PATRICK LAMBERT,	)	
	)	
Defendant.	)	

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATIONS  
AND DENYING DEFENDANT’S MOTION TO DISMISS THE INDICTMENT**

On August 23, 2016, Defendant was indicted for failing to register as a sex offender as required by the Sex Offender Registration and Notification Act (“SORNA”), in violation of 18 U.S.C. § 2250(a). On June 15, 2018, Defendant filed a Motion to Dismiss the Indictment, arguing that SORNA violated the nondelegation doctrine and the Commerce Clause. (Doc. 105.) On July 24, 2019, the Honorable Magistrate Judge David P. Rush issued a report and recommendation that the Court deny Defendant’s motion for dismissal of the indictment.<sup>1</sup> (Doc. 118.) Defendant filed objections to the report and recommendation on August 5, 2019. (Doc. 119.)

The Court has reviewed the record *de novo* and agrees with the recommendations of Judge Rush. As noted by Judge Rush, Defendant’s arguments are foreclosed by *Gundy v. United States*, 139 S. Ct. 2116 (2019) and *United States v. May*, 535 F.3d 912 (8th Cir. 2008). No information or analysis needs to be added to the report, and the Court adopts the report and recommendation in its entirety.

**IT IS SO ORDERED.**

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<sup>1</sup> On July 20, 2018, Judge Rush granted the Government’s motion to stay ruling on Defendant’s motion to dismiss, pending the Supreme Court’s decision in *Gundy v. United States*, 139 S. Ct. 2116 (2019).

**DATE:** August \_21\_, 2019

/s/ Beth Phillips  
BETH PHILLIPS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT